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July 8, 2021

BY ECF

Hon. Judge Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: 1526 52nd LLC v. Lefkowitz
Case No. 1:21-cv-3838 (BMC)

In re: Fifteen Twenty Six Fifty Second LLC
Bankruptcy Case No. 21-22397 (RDD) (SDNY)

Dear Honorable Judge:

This office represents Fifteen Twenty Six Fifty Second LLC (the “Debtor”), in its Chapter 11 case pending in the United States Bankruptcy Court for the Southern District of New York encaptioned In re: Fifteen Twenty Six Fifty Second LLC, Case No. 21-22397 (the “Chapter 11 Case”). I am writing concerning the referral of this civil matter from this Court to the U.S. District Court for the Southern District of New York, for ultimate referral to U.S. Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

On July 8, 2020 the civil action 1526 52nd LLC v. Bluma Lefkowitz (the “Civil Action”) was removed from Supreme Court, Kings County to this Court. The removal was based upon its relationship to the Chapter 11 Case in that the State Court Action concerns ownership of the most significant asset of the Debtor. The determination of the competing ownership interests is critical to the resolution of the Debtor's Chapter 11 Case.

The Debtor is seeking the transfer of the Civil Action to U.S. District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1404 and 1412.

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Based on the foregoing reasons, we respectfully request that the Action be transferred to the United States District Court for the Southern District of New York (the "SDNY"), pursuant to 28 U.S.C. § 1412, without prejudice to the right of any party to seek remand once the case has been further transferred to the SONY Bankruptcy Court, pursuant to the SDNY's Amended Standing Order of Reference of cases related to a bankruptcy proceeding to the SONY Bankruptcy Court. See, e.g., Tallo v. Gianopolous, 521 B.R. 23, 29 (E.D.N.Y. 2005) ("the bankruptcy court of the Southern District of New York, being the home court of the bankruptcy proceeding and being familiar with the litigation, is better situated to determine the propriety of remand"); In re Enron Corp., 317 B.R. 629, 642 (Bankr. S.D.N.Y. 2004). If the Court requires a formal motion to change venue of the Action to the U.S. District Court for the Southern District of New York, please allow this letter to serve as a request for a pre-motion conference. Thank you for your attention to this matter.

Thus, the matter is subject to transfer, if the Court deems it appropriate. If you have any questions, please do not hesitate to contact the undersigned.

Respectfully,

/s/ James B. Glucksman

James B. Glucksman

cc: (VIA ECF and/or E-mail)
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